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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,265	07/21/2003	Gary A. Jensen	1874	3500
7590	01/12/2005		EXAMINER	
Donald Diamond 2nd Floor 2180 Jefferson Street Napa, CA 94559-1200			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/623,265	JENSEN, GARY A.
	Examiner Aaron M Dunwoody	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/21/2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the interface plane determining the collar second end being rotatable in the plane with respect to the body upper end portion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is an interface plane determining the collar second end being rotatable in the plane with respect to the body upper end portion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US patent 1808450, Burgess.

In regards to claim 1, as best understood, Burgess discloses a fitting comprising: a generally cylindrical collar (12) having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle; and

a body (1,2) having an upper portion terminating in a generally circular end inclined at the angle, the collar second end circumferentially attached to the body upper portion end thereby determining an interface plane, the collar second end rotatable in the plane with respect to the body upper portion end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of US patent 5080403, Paoluccio.

In regards to claim 2, as best understood, Burgess discloses the claimed invention except for a skirt flaring downwardly from the body upper portion and terminating in a base, the skirt having generally opposed first and second flanges terminating, respectively, in canted first and second lips, the base determined circumferentially by the lips and arch-shaped forward and rearward edges disposed between the lips. Paoluccio teaches a skirt (13,14) flaring downwardly from the body upper portion and terminating in a base, the skirt having generally opposed first and second flanges terminating, respectively, in canted first and second lips, the base determined circumferentially by the lips and arch-shaped forward and rearward edges disposed between the lips, to provide apparatus which permits easy installation of exterior insulation of the main round duct in a manner that is simple and inexpensive

(col. 2, lines 11-14). As Paoluccio relates to heating, ventilating and air conditioning duct work and particularly to fittings to connect branching ducts from main ducts, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a skirt flaring downwardly from the body upper portion and terminating in a base, the skirt having generally opposed first and second flanges terminating, respectively, in canted first and second lips, the base determined circumferentially by the lips and arch-shaped forward and rearward edges disposed between the lips, to provide apparatus which permits easy installation of exterior insulation of the main round duct in a manner that is simple and inexpensive, as taught by Paoluccio.

In regards to claim 3, as best understood, Paoluccio further discloses a damper (24) being pivotally positioned within the (10B, 10C) collar.

In regards to claim 4, as best understood, Paoluccio further discloses the forward edge being arched higher than the rearward edge.

In regards to claim 5, as best understood, Paoluccio further discloses the fitting being attached to an arcuate surface of a relatively large cross-section duct section, the collar being rotatable so that it can be canted at any angle with respect to the duct section in a range from about 55 to about 90 degrees.

In regards to claim 6, Burgess discloses the collar and body being each formed from sheet metal having a preselected thickness.

In regards to claim 7, Burgess discloses the thickness being about 0.050-inch (commonly known and used in the art).

In regards to claim 10, as best understood, Burgess in view of Paoluccio disclose a fitting for attaching an end of a duct section of relatively small cross-section to an arcuate surface of a duct section of relatively large cross-section, comprising:

a generally cylindrical collar having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle and having a first circumferential arc-shaped bead;

a body having an upper portion terminating in a generally circular end inclined at the angle and having a second circumferential arc-shaped bead, the collar second end circumferentially attached to the body upper portion end by the first bead interlocked with the second bead, thereby determining an interface plane, the collar second end rotatable in the plane with respect to the body upper portion end; and

the body flaring downwardly in a cone-shaped skirt terminating in a base and having generally opposed first and second flanges terminating, respectively, in first and second canted lips, the base determined circumferentially by the lips, and first and second arch-shaped forward and rearward edges disposed between the lips.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Examiner
Art Unit 3679

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